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4/4/2006

Application No. 10673866 Dated 09/29/2003 - Twister Wings Sailboat

SUBJECT: This is a request for a Hearing in connection with Patent Office unlawful procedures concerning my Patent Application. It is not a Filing Notice of Appeal since there has been no Examiner assigned in over two years.

Since this is essentially a hearing, a signed Petition Fee Transmittal is enclosed for payment of this and any required replacement documents which are also enclosed. The monetary charges to my credit card account, if any, are to be determined by your office and deducted from my credit card account on file. *ELL*

This letter is based solely upon the failure of the Patent Office to follow established procedures and of the draconian results that followed. This is not an appeal in the sense that there is a disagreement with a reviewer; the technical material is not involved. After well over two years, my Patent Application is floundering with no assignment and I sincerely need your help.

My main defense rests in the quality of my invention, a sailboat with wings. Even sailors looking at photos do not comprehend what the wings can accomplish since their function is totally unobvious. Therefore, please view the enclosed DVD first. It was tested in winds up to twenty mph with gusts. A few short takes are shown first, before I determined how to move out on the windward wing without falling off the boat. The last four clips begin when I sail directly away from the camera. May I suggest having one or more of your sailor-reviewers observe the DVD to determine their reactions. A page of two prints of the prototype is included at the end of this letter followed with 'About the Prototype'.

The video is confidential except to the Patent Office and to my lawyer and it must remain that

way until my application is published.

The Specification represents only the requirement for describing how the system works when combining any monohull used in conjunction with the proposed Twister Wings. This combination is so novel that a search of the literature reveals no prior art. My intellectual rights are related entirely to the character of the wings. My Claims simply delineate the variation of their geometric properties and the general location where the wings are utilized. Furthermore, the underside geometry alone defines the wings.

I have introduced the prototype performance first in order to demonstrate that it is an exceptional invention.

CHRONOLOGY

My application is over two years old without an Official Filing Receipt or an Examining Group and therein is my problem. Although my Patent was filed on September 9, 2003, an Official Filing Receipt has never been presented, an Examining Group has never been assigned and I have never received my initial confirmation postcard.

I have discovered that no productive action by the Patent Office has occurred before October 27, 2005. Documentation up to that date is presented in a separate envelope labeled Exhibit A. Ms. Robinson of the Office of Initial Patent Examination finally initiated the first positive action since my filing but unfortunately, my patent still kept going downhill from there.

I subsequently received two notices from Mail Stop Missing Parts, the first with a next day mailing date of October 28, 2005 and the second with a mailing date of December 21, 2005.

NOTICE OF INCOMPLETE NONPROVISIONAL APPLICATION, DATED 10/28/2005.

My response to this notice is enclosed in an envelope labeled Exhibit B.

It is difficult to comprehend how I could have either the Claims or the Declaration missing since these are the primary elements of a patent. Also, my documentation for 10/06/2003 shows that I paid \$168 for modifying four claims to independent, which is identical to the 'previous payment of '\$168' as mentioned on their second page. The original claim sheet could have been misplaced after its format was checked on 10/06/03 but the \$168 fee establishes that it was included.

The Declaration is an oath and I am fully aware that it has to be submitted with the patent. It could not be otherwise. I sent in a replacement, a two part Declaration but I erred in the date of signing. I am accustomed to signing oath type documents on the actual date of signing, which is in conflict with the instructions on the first page of the Notice.

I had all of the original figures with the original filing of my patent. However, as shown in Exhibit A, I amended one drawing but it was not one of those claimed to be omitted from my application. I believe that I am not the only one to make mistakes.

FILING RECEIPT, DATED 12/21/2005, and a
NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION, DATED
12/21/2005.

This RECEIPT and NOTICE are enclosed in Exhibit B, although without any following response of mine. Apparently, I cannot effectively communicate with this office even though my patent is to be abandoned in two months from the date of their notice. I have been ambushed without even a phone call to determine if this was my intent. My phone number is on the label on the back side of every page of my original application.

They did not recognize my proof of the original claims due to fees already paid, and they chose to ignore the replacement figures that they said were missing. Consider the result of their actions after a \$400 Fee was retained.

I have a new filing date delayed for over two years and two months and I have to pay the current rate of \$500 for filing.

I have to pay an additional \$400 fee for my Claims.

I am not aware of the purpose of the \$100 application examination fee since my April, 2005 manual states that the \$500 Utility patent fee includes search and examination fees.

They selectively left out the replacement figures as indicated by the '7' drawings shown on the top of the FILING RECEIPT. This particular item means that I would have to rewrite my patent to delete all references to the, so called, deleted drawings and my patent would then lose some of its effectiveness.

Since I am going to continue with my patent, I would fair much better by abandonment rather than continuing on their terms. I could simply file again, with a \$500 Filing fee. At least, I would feel slightly more confident that I might not be caught up in another web. Furthermore, when I filed in 2003, my manual showed that I had the Claim stated properly with one independent claim and six dependent claims. If I have to file again, all I have to do is print the first number in a bold print. But then with the possibility of facing another contentious two years?

I worked for nearly twenty years as an aerospace engineer in the Aeroballistics Lab., with the Von Braun rocket team at Huntsville, Alabama. We would not have sent men to the moon and back in an organization where we could not communicate better than I have experienced with the Patent Office.

MY PROPOSAL.

Since the Patent Office is obligated to provide an Official Filing Receipt and to assign to an Examining Group, I respectfully request that the Patent Office retroactively establish these functions at a normal interval after my original application. The Examining Group could have surveyed the contents for discrepancies which I could have resolved at near the beginning of my Application rather than nearly two years later. Then retroactively credit the time up to the present

for consideration of assignment to a reviewer.

Please let me express my feelings in my own way.

The last two letters from the Patent Office were devastating. My patent was held in a dormant state for two years and one month, and then blocked with contrived information, followed with a devious restart as a new application.

Since I had knowledge from the media of a patent overload, I waited patiently for my turn. Then I was blindsided by technicalities which will cause a restart of my patent, and it will still be incomplete due to a deficiency, preventing an assignment to a reviewer.

Now, Sir, if my plea is not accepted, please tell me where my analysis is mistaken, does not explain the events, or leaves me with no legal rights.

In order to bring my Patent into compliance, I have enclosed the named deficient parts in a separate envelope labeled Enclosure A. In the case of the declaration, I have included two versions. Both are signed with the original filing date of 09/29/03, but one is signed on the original forms of 2003 and the second is signed on the present forms of 2006. Also, two Claim pages are enclosed, one as included in the original Specification and another with the first number in bold print (**1.**), which will bring it back to one independent and six dependent claims. All six pages of figures are again provided for replacing whatever may be missing.

Enclosure A also includes a Submission of Corrected Drawings. The original Fig. 5 illustrates the preferred configuration of a Twister Wings Sailboat and should be presented in the Gazette. If the Abstract is also presented, it refers to the two main elements; the wings (22) and the monohull sailboat (20). These numbers are on Fig. 1 but not on Fig.5. Therefore, the corrected Fig. 5 also includes the identification numerals (22) and (20).

Thank you for your consideration,

Edward L. Lindsey